



17224 U.S. PTO

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February 18, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Our Docket No. 02331-PA

Dear Sir:

**THIS NEW PATENT APPLICATION IS BEING FILED BY EXPRESS MAIL, TODAY, AND IS ENTITLED TO HAVE TODAY'S DATE ON THE OFFICIAL FILING RECEIPT.**

**Applicant requests NO PUBLICATION OF THIS APPLICATION.**

Enclosed please find the following:

1. New U.S.A. patent application entitled "ESP PERFORMANCE OPTIMIZATION CONTROL", including specification, claims and abstract (32 pages) and formal drawings (4 sheets), Ralph F. Altman, Ph.D., and Robert N. Guenther, Jr., Inventors.

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 18, 2004

Express Mail Label No. EV 378778431 US

By: Linda Nguyen

2. Declaration duly executed.
3. Form PTO/SB/35 duly executed.
4. Assignment duly executed.
5. Form PTO-1595 duly executed.
6. Form PTO-1082 duly executed, in duplicate.
7. Our check No. 01497, in the total amount of \$1,104.00, to cover the application filing fee, assignment filing fee and excess claims.
8. Our post card. (Please date stamp and return.)

The inventors are:

Ralph F. Altman, Ph.D.  
9008 Potomac Drive  
Chattanooga, TN 37421  
Citizen: U.S.A.

Robert N. Guenther, Jr.  
312 Rising Sun Road  
Bordentown, NJ 08505  
Citizen: U.S.A.

**The applicant is a large entity.**

Please address all correspondence to:

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
502 Washington Avenue  
Suite 220  
Towson, Maryland 21204.

If there are any additional fees required, please charge our Deposit Account No. 02-2839.

Commissioner for Patents

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February 18, 2004

Thank you for your cooperation and assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bloom".

Leonard Bloom

LB/ljg

Enclosures

02331-PA ALTMAN LTR TO PTO W APPLICATION 021804 02331-PA

## UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.  
02331-PA

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, **ROBERT F. ALTMAN, Ph.D.**, entitled: **ESP PERFORMANCE OPTIMIZATION CONTROL**

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)

of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification; 32 Total Pages. (X) Drawing(s); 4 Total Sheet.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed.

( ) Unsigned.

( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

( ) Power of Attorney.

(X) Return Receipt Postcard.

( ) Associate Power of Attorney.

(X) A Check in the amount of \$ 1,104.00 for the Filing Fee.

( ) Preliminary Amendment.

( ) Information Disclosure Statement and Form PTO-1449.

( ) A Certified Copy of Priority Documents (if foreign priority is claimed).

( ) Applicant claims small entity status.

( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	22	2	\$18.00	\$36.00
Independent Claims	6	3	\$86.00	\$258.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$40.00
Basic Filing Fee				\$770.00
Total Filing Fee				\$1,104.00

Please charge \$ \_\_\_\_\_ to Deposit Account No. 02-2839 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: \_\_\_\_\_

Leonard Bloom, Attorney of Record, Reg. No. 18,369

Date: February 18, 2004

Correspondence Address:

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
502 Washington Avenue  
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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents  
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Arlington, VA 22313-1450

By: \_\_\_\_\_

Typed Name: Linda J. Goguen

Express Mail Label No.: EV 378778431 US

Date of Deposit: February 18, 2004

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Ralph F. Altman
Title	ESP PERFORMANCE OPTIMIZATION CONTROL
Attorney Docket Number	02331-PA

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2/17/04

Date

Ralph F. Altman

Signature

(423) 899-0072

Telephone number

Ralph F. Altman

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Robert N. Guenther

Title ESP PERFORMANCE OPTIMIZATION  
CONTROL

Attorney Docket Number 02331-PA

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

02/12/04  
Date

Robert N. Guenther  
Signature

\_\_\_\_\_  
Telephone number

Robert N. Guenther

\_\_\_\_\_  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.